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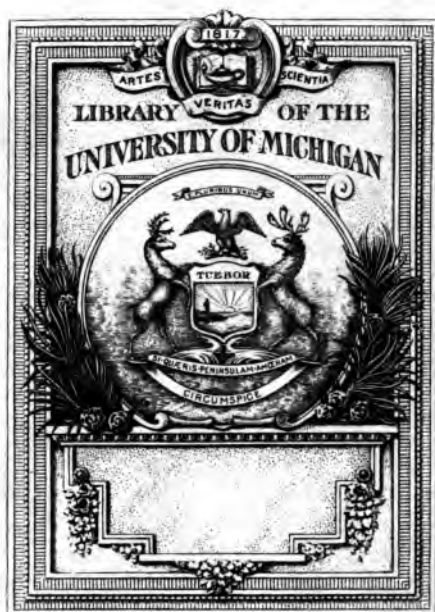
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Shaw - General Birney's Answer...



GENERAL WILLIAM BIRNEY'S ANSWER

TO

LIBELS CLANDESTINELY CIRCULATED

BY

JAMES SHAW, JR.,

*Collector of the Port, Providence, R. I.,*

WITH

A REVIEW OF THE MILITARY RECORD OF THE  
SAID JAMES SHAW, JR.,

*Late Colonel of the Seventh U. S. Colored Troops.*



WASHINGTON, D. C.,

STANLEY SNODGRASS, PRINTER, 637 F ST.

1878.



## **General Birney's Answer to the Libel published by Col. James Shaw, of Providence, R. I.**

WASHINGTON CITY, *August 26, 1878.*

To the ex-officers and soldiers of the Second Division, 25th Corps, Army of the James:

### **I.**

#### **1. A CLANDESTINE PUBLICATION DISCOVERED.**

Through the friendship of several of your number, I learned late in July *ult.*, that Colonel James Shaw, of Providence, Rhode Island, was privately circulating among you an elaborate vindication of his own military character and aspersion of my character, both personal and military, under the title of "*Record of the Services of the Seventh Regiment, U. S. C. T.*" \* \* "by an officer of the regiment." Up to that time, I had never heard that such a publication was intended or in existence.

#### **2. ITS NOMINAL AUTHORSHIP.**

As the Colonel's education has not qualified him to write a book, he has used the pen of Joseph M. Califf, a young ex-lieutenant of the Seventh, to put his malice into decent English. To please his employer, Califf has made a serious charge against me in the chapter on "Recruiting," but the other inventions, innuendoes, slurs and charges of the "Record" are evidently not of his coinage. I never gave Califf any cause to complain of me; he was a very quiet young man, apparently in feeble health, and I always spared him when I could. Some ten days ago, I wrote him of my intention to file charges against him in the War Department, and thus give him a chance to prove his statements. His almost immediate departure for Colorado, without giving me his post office address there, will prevent for a time his receiving a lesson in the strict veracity becoming an officer and a gentleman.

#### **3. ITS REAL AUTHORSHIP.**

Colonel Shaw is, in fact, the author, though he did not write a line of it. E. L. Freeman & Co., whose names appear as publishers, write that they printed it for the Colonel. He has supervised the printing and paid the bills, and has been pushing its circulation by private letters. The publication seems to have been a matter of long deliberation. In 1874, Col. Shaw invited the officers to a reunion at his house, apparently for the purpose of getting them to aid in getting up the Record (page 91.) For more than three years it has been in course of preparation under superintendence of Colonel Shaw, who has furnished, so Califf wrote me, his diaries, papers and records of facts.

The book gives abundant internal evidence of the authorship. There is very little about the regiment. Nothing is said of the care with which the men were selected, none but the physically perfect being accepted; nothing about the kind and strict discipline which gave the men self-respect and made them soldiers who, at Fort Gilmer, showed heroic valor. No mention is made of the care

with which men of the same size were placed together in companies, giving to the regiment that handsome appearance which brought strangers from great distances to see it on drill. Nor is any except the most cursory mention made of the accomplished officers who had given the regiment its character before Col. Shaw joined it; of Lieut-Col. Haskell, Major Mayer, Captains Weiss, Pratt, Smith, Bailey, Lockwood, Sherman, Teeple, Cheney, Spaulding, Hall and others, many of whom gained brilliant reputations, and none of whom were inferior to the Colonel, except in rank. Several of them, notably Haskell, Mayer, Weiss, Pratt and Smith, were his superiors both in education and in military experience, though Shaw does not permit this to appear. Why does he omit the previous military records of Mayer and Weiss? The efficiency of Quartermaster Purington has no place. All these are petty figures arranged in the picture only to bring into strong relief the principal figure, Col. Shaw. They are painted in dull colors; he, in all the glories of rainbow hues.

#### 4. IT IS A RECORD OF COLONEL SHAW'S DOINGS.

The Colonel's amiable and weak countenance beams with a pensive smile upon us from the frontispiece, a grim moustache relieving the small features. After the photo., he figures on almost every page. His acts are set forth with patient minuteness. He tells us when he rode out, when he made a speech to the sergeants, sent for books and mittens, went to Palmetto Creek, halted for dinner, reconnoitred, rigged up a train, made a rifle pit, when he looked for a reverse, when he was cautious, when he ran away, when he was hot and tired with running, when he made his regiment run, when he issued a ration of whiskey, when he embarked, when he was out on picket, when he threw shell up the road and killed his own picket(?), and so on with a dreadful particularity, equal to the Court paper's record of the doings of the Czar of Russia. Above all, he tells the reader of every time he was corps officer of the day, or when, by the absence of his superior officer, he was in command for a few minutes, hours or days, as the case might be, of the brigade or division. An officer, after reading the Record, wrote me: "General, you never took off your belt to take a nap without Shaw's making an entry that he was in command."

#### 5. TRUE AND OTHERWISE.

Some of these entries are apocryphal. I was not absent the number of times he represents. If there was anything to do, I was always at my post, and I was sick but once. To believe him, I was nearly always absent or sick and he was in command. If Colonel Shaw had known I would see this Record, he would not have stated (pp. 47 and 48) that I was absent October 27th, at the Darbytown Road movement. If I had not been there, he would have lost two more companies in addition to the four at Fort Gilmer.

#### 6. BUT IRRELEVANT.

What have Colonel Shaw's personal movements and distinctions separate from the Seventh Regiment to do with the history of that body? Nothing but a monstrous vanity would have prompted such a book as he has given us. It ought to be entitled: "Military Autobiography of Col. Shaw, with a muster roll of the Seventh Regiment attached."

## 7. WHY COLONEL SHAW HATES ME.

It is not because there was ever any disagreement between us on personal matters, for his amiable manners and assiduous attentions made that impossible. It was not because I had ever censured him for his management in camp or deficiency on drill, for, and I take pleasure in saying it, the Colonel carried out admirably my discipline and was always up in his "tactics." If there had never been any fighting to do, Colonel Shaw and I would have been excellent friends during life. He had no small vices, was temperate, honest and generally judicious, and though his early education was defective, he was quick to understand and prompt of movement. But, there was one omission in his make-up as a soldier; the combative quality had been omitted altogether. He could not fight and could not be made to fight. Like Eachin McIan, the young Highland Chief, in Scott's *Fair Maid of Perth*, he had been suckled on doe's milk. As old Torquil of the oak refused at first to believe in this fatal defect of his young chief, so I refused to credit those who told me of Shaw's infirmity. I thought it was want of usage in the field; that, after a few skirmishes, he would be hardened as others were. I pardoned his evident timidity in the operations near Charleston and thought he would not, under me, repeat his disgraceful retreats at Cedar Creek. His marching back into our lines at Fuzzel's Mills and getting fired into made me doubt whether he had any stuff in him to make a soldier of; and his conduct at Fort Gilmer made me use to him on the field language he appears never to have forgotten or forgiven, and caused me to write him, the same day, an official letter which stigmatised him on the army records, in effect, as having disobeyed orders and sacrificed four companies of his regiment to his cowardice!

## 8. THIRTEEN YEARS OF SECRET MALICE.

Now, although he had suppressed the official letter and my reticence had left him free to tell his own story to his officers, the Colonel was aware that his reputation for courage stood very low in the army. This he has wrongly imputed to me instead of to his own acts, and he appears to have harbored his revenge for thirteen long years. Under pretext of a Record of the Seventh Regiment, he has made a thick pamphlet to exalt himself and bespatter me. Both of us might have been left out of the book, with advantage to the narrative.

## II.

## 1. HOW HE ASSAILS ME.

There is something devilish in the malice exhibited towards me in this pamphlet, in the meanness of the slurs, the cunning of the innuendoes, the impudence of the misrepresentations of fact and the boldness of the inventions. My name is lugged in, generally without an attempt at excuse, and Shaw always flies spitefully at it, like a gobbler at a red rag. To notice all his disparaging hints and charges would require a pamphlet as large as his; I can notice a few only.

## 2. HE SUPPRESSES MY MILITARY RECORD.

To pave the way for imputing to me all sorts of rash, hair-brained folly in



military matters, he is careful to suppress all allusion to my previous experience of war, and to leave the reader to suppose me a tyro just commissioned as a Colonel of colored troops. This is untrue.

As I never spoke to any of you of my past record, you will, I hope, excuse the egotism made necessary by Col. Shaw's insinuations.

In May, 1861, as captain in the New Jersey Volunteers, I was at, not in, the first battle of Bull Run, and was one of the few officers who brought their men in perfect order from the field. Was in Gen. Phil. Kearney's brigade, was selected by him as almost permanent officer of the outposts, also to lead the column in a night attack on the rebels on Munson Hill, while third captain was recommended by Kearney for Colonel but declined, took part in several skirmishes, was at Yorktown, and fought at West Point. Was in the Chickahominy campaign and the battle of Gaines Mill. Got captured there. Being exchanged, Aug. 13, 1862, I, a New Jersey Major, was, on request of General Kearney, transferred from the 6th to the 3rd corps, Kearney's division, to command a Pennsylvania regiment. Was put on the left flank with two regiments, to guard it against cavalry attacks on the retreat to Yorktown. Joined Pope at Warrenton Junction, was in all the movements preceding the second Bull Run. On the second day of that battle, by proper posting of my men, held for three hours with the 57th Pennsylvania, with trifling loss, a position against a rebel brigade. Kearney declared it the most scientific fighting of the day, and mentioned me with honor in his report. Two brigades that relieved my regiment lost the position in twenty minutes.

I was then Major, but President Lincoln nominated me for a Brigadiership. The lists were full, however, and the Senate did not act. I was in the battle of Chantilly, and was chosen to hold the picket line near the rebels after the army had retreated; was made Lieutenant-Colonel. The Colonel of the 57th Pennsylvania having returned, I was again detailed away from my own State and corps, much against my wishes, to command the famous N. Y. Tammany Regiment (the 38th.) At Fredericksburg, when Meade's troops were routed and flying before the rebels, I was ordered in with two regiments, to charge the pursuers. This was done successfully, but with heavy loss. General Ward, my commander, published to the army, and in the press, a letter extolling it as a great feat of arms. Was promoted to Colonel and permitted to return to my own regiment, the 4th New Jersey. At Chancellorsville, my regiment having its tour of duty with the ammunition train, I served as volunteer aid to Gen. Hooker through the afternoon of the first and the whole of the second day.

It will be seen that, before I was ordered to report to Secretary Stanton to organize colored troops, I had been for more than two years in constant service at the front, had been kept, while Major and Lt. Colonel, constantly in command of regiments belonging to other States (a most uncommon distinction) and had been nominated while Major for a Brigadiership. My promotion to that rank was delayed by my new duty. Fair play towards the officers of the 4th New Jersey demanded my resignation in that regiment, and I accepted the rank of Colonel of colored troops, Mr. Stanton saying, jestingly, that I should not have my brigadiership until I had raised a brigade.

### 3. HE HINTS THAT I WAS AN OFFICE SEEKER.

On page 19, Col. Shaw slurs me by implying that I went to Washington about Christmas to solicit promotion. This is untrue in spirit and in fact. Mr. Stanton sent me an appointment as Brigadier of *Colored Troops*, and as, for the honor of those troops, I was opposed to any discrimination against their officers, I went to Washington to obtain a change in the title. In this I succeeded. From the beginning to the end of my military life, I never did solicit, personally or through friends, any appointment or promotion, nor did I ever ask any officer, superior or inferior, to sign any recommendation of me. What I gained of promotion was gained by service in the field.

Going into the colored troops was personally a sacrifice to me. My friends generally were surprised and grieved at it. But I had gone into the army to aid in abolishing slavery; I thought the national interest demanded the use in the army of a vast neglected physical force; I had confidence that, by entire devotion to the work, a most efficient body of troops could be put into the field, and I hoped that the opposition and prejudice of officers high in rank might be so far moderated as to give to the colored troops a fair chance of distinction in the field. In this hope I was grievously disappointed, as impartial history will show. For a long time, we were kept on the outskirts of the war, and when at last, through the efforts of General Butler and the good sense of Gen. Grant, we were united with the body of the army, our opportunities of distinction were quietly slipped away from us. The only unpleasant part of my military life was caused by my endeavors to prevent discriminations against the colored troops and their officers.

### 4. FALSIFIES THE FORMATION OF THE SEVENTH.

Col. Shaw (pp. 7 and 8) robs me of the honor of forming the Seventh by charging Col. Haskell with that duty after September; and of recruiting, by making Major Hayner superintendant, after November 16th; and the Major is complimented at my expense.

Both these statements are false. Major Hayner was not superintendant; he reported to me. Haskell was Lt. Colonel and acted as regimental officer, doing his duty admirably. I owe an apology to this gallant officer; he came as Colonel, but, as he was very young, he accepted the Lieutenant-Colonelcy, on my suggestion. It was a sad mistake on my part, and I deeply regretted it in November when, instead of the experienced Colonel I had been promised, a neat, softly spoken little gentleman, who had never smelt powder and whose experience and skill as a jeweller could not be put to use in the army, presented his commission for the place! But I was very glad to have two such men as Haskell and Armstrong for Lieutenant Colonels, and I had them promoted as soon as vacancies offered.

### 5. HE IS UNCHARITABLE.

On page 10, it is said "the officers had little reason to suppose they would be sustained" by me.

This is a spiteful fling. It is justified, to a certain extent, by the fact, that, when I asked brevet brigadierships for Doubleday and Armstrong, I omitted the name of Colonel Shaw.

## 6. A LIE NAILED.

On the same page, is an infamous charge against my personal character. It is in awkward English-but says in effect that *I must have had ample Government funds in my hands or been able to obtain them*, to meet certain extraordinary expenses of recruiting officers, yet that I loaned them money in small sums to be repaid me!!

This is an alternative charge that I was either an embezzler of Government funds or that I availed myself of my position to play Shylock on my own account!

Such a charge would have been made by decent men only after examination of the War Department Records. There is but one way in which I can meet it. I now declare the above charge, in either form, an UNMITIGATED LIE and challenge Colonel Shaw to produce his proof. As to his pliant tool, Mr. Califf, I give him notice that unless, by published card, sent to every ex-officer of the Seventh Regiment, he shall retract his statement, I will present to the War Department charges against him. His private retractions are not reparation. (See Appendix.)

## 7. RECRUITING FUNDS.

Money was not furnished for extraordinary expenses to any recruiting officer or colored troops acting for the U. S. and not for a State. The superintendents for Kentucky and Tennessee, Maj. Gen. Burbidge and General Mussey, write me they had no such funds furnished them. Generally, it requires a specific order from the Adjutant General to obtain extraordinary funds, though the superintendent can get on his order what are called "legitimate and necessary funds," to which phrase a strict construction is applied.

In my case, that specific order could not be had, for the reason that my recruiting *slaves* in Maryland, a loyal State, was done at first without the knowledge and always without the approbation of President Lincoln. I did it with the knowledge and tolerance of Secretary Stanton but without his official sanction, he having distinctly informed me that I did it on my own responsibility. At Baltimore, I was stopped several weeks by the order of the President and was not allowed to resume except under the strict limitations of an order intended to protect loyal slave owners. This explanation, which was not possible at the time, may clear up much that may have puzzled my recruiting officers in Maryland. They may take my cordial assurance that if I had been able to get funds for their extraordinary expenses, I would have done so. What I had of my own, I lent freely to such as asked.

## 8. HE CALLS MY ORDERS "UNREASONABLE."

My recruiting officers, he says, had a hard time. This I admit: but was I on a bed of roses? Which of you will say I shirked the duties I imposed on others? In time of war, men are required to do the work of giants, and our recruiting was under peculiar difficulties. I admit that each of my recruiting officers was expected to do as much work as ten, yes twenty, such officers in time of peace, and that they were exposed to hardships and privations. Looking

back now, you are amazed at what you did and suffered. I have no apology to make for my part in it, but I congratulate you that you successfully and with enthusiasm executed what now seems impossible.

As to the order to Califf not to surrender peaceably the recruits to an officer who had no right to demand them, it was right. Califf's temperament was too much like Shaw's. Nelson, for his most unwarrantable trespass and on my complaint, lost his Colonel's commission and was dismissed the service.

#### 9. ANOTHER LIE NAILED.

On page 24, is a notice of a raid I made against the cattle commissaries of the rebels, capturing "some 3500 head of cattle and several hundred bales of cotton," the Record adds: "Unfortunately all this proved to be the property of peaceable Union men, and had to be paid for afterward by the Government."

This statement is an unblushing lie, concocted by Col. Shaw for the purpose of throwing ridicule on me. He would not have published it if he had not expected I would never see his pamphlet, for the truth can easily be learned at the Departments. The proceeds of the cotton, which belonged to one David Martin, a rebel pardoned by Johnson, are still in the Treasury, and the cattle have not been paid for by the Government. All the facts about the cotton can be learned from Mr. Claughton, of this city, who is Mr. Martin's attorney. Mr. C writes me:

WASHINGTON, D. C., *September, 1878.*

Gen. BIRNEY: I am the attorney for David Martin, the owner of the cotton captured by you near Smyrna, Florida, in 1864. Mr. Martin was pardoned by President Johnson, but no part of the money received for his cotton has ever been refunded to him.

Respectfully,

H. O. CLAUGHTON.

#### 10. A BATCH OF FALSEHOODS EXPOSED.

On reading Col. Shaw's Record, I am amazed at the number of times I was "relieved of command and ordered" somewhere, it being always duly recorded that the Colonel took my place. Indeed, what with being superseded by one officer or another, generally by Shaw, it is clearly made out that I was hardly in command at all. Once (page 69) he orders me to "Fort Powhatan," a place I never heard of or saw, to the best of my belief. Generally the inuendo is that I was in disgrace—a hardy falsehood, as every commanding officer I ever served under will testify.

Page 24, Shaw notes carefully that I was relieved of the Florida command, but he omits to note that I was transferred to a more important one and was tendered the command of the siege of Charleston. Page 29, he again notes that I was "relieved and ordered back to Jacksonville," but omits to state that the object of Gen. Foster's expedition, cutting the railroad between Savannah and Charleston, having failed, and an assault on Jacksonville, which was stripped of nearly all its troops, being imminent, it was necessary for me to hurry back in advance of my brigade for the purpose of deceiving the enemy. This was done by displaying the general's flag on the boat, firing salutes, arranging men on the boat guards so as to produce the impression of spies of a boat load of troops, and giving out at Jacksonville that the brigade was at the mouth of the river and coming up with the next tide. This ruse saved Jacksonville when it had only about a hundred men to defend it.

On page 69, is a similar malicious innuendo. The form of the order referred to as given by Gen. Ord, is misrepresented; it placed me in command of all the troops on the James River, amounting to three divisions. A few days afterwards, Gen. Ord tendered me the highest administrative position in his gift, the control in fact of civil affairs in Virginia through the Bureau of Refugees and Freedmen. Personally, therefore, the General left me no ground to complain of his official action. In form, it was complimentary.

#### 11. DIFFERENT ESTIMATES OF COLORED TROOPS.

It is due, however, to myself and truth to state that there were essential differences between the General and myself in our respective estimates of colored troops; and that it was to me a matter of deep regret that General Butler, who highly esteemed those troops and treated them like men, had been superseded by an officer who spelt "negro" with two g's. General Grant had, for several months of the winter of 1864, shown his high appreciation of our division by increasing it to sixteen regiments, enlarging the line entrusted to us and ordering us out for review eight different times, for the inspection of General Prim, Secretary Stanton, President Lincoln, and other illustrious visitors. Inspired with hope, you and I labored, with unflagging zeal, to make the division able to respond to all the demands likely to be made upon it. Marching orders for the spring dispelled our illusions and scattered our hopes. We found our corps broken up, our division taken from Gen. Weitzel and placed under strangers; our brigades separated, our regiments ordered into temporary service with white brigades, our fractured command placed in the rear and on the flank. It was clearly not intended that the colored troops should win any glory in the last events of the war.

And I wish to disclaim distinctly any responsibility whatever for the events of the final short campaign, for the labors and extraordinary marches imposed upon the colored troops, for the selection of camps, of routes and of roads; for the fording of streams in the vicinity of bridges, for privations of food, water and sleep, etc. Each and every one of these details was regulated by peremptory orders from above. Whatever of honor or blame belongs to them is not mine; and if any subordinate officer of mine has ever attributed them, or any of them, to me, let him now correct the error. I must admit that I submitted with an ill grace to what I regarded, whether correctly or not, as discriminations against the colored troops; and that I did not enjoy, as Col. Shaw appears to have done, the "fine scenery" of the Blue Ridge and the heavy firing far off "to the west of us." The "far off" firing was the only kind the Colonel liked.

#### 11. A BRACE OF LIES HANDCUFFED.

On page 32, Colonel Shaw charges me with sending pioneers to burn "*some rosin at Darby's.*"

As this rosin belonged to an Englishman and figured in a claim before the Geneva Convention, it is a good hit to charge me as the incendiary.

The charge is false. The burning was purely accidental, the flame spreading with lightning rapidity, from the coffee-pot fire of a guard through the loose rosin scattered on the ground. Col. Shaw makes the rosin burn twice—once in the morning, and once in the afternoon.

The facts about the rosin are known to several officers, Capt. Purington among the number.

#### 12. A MAD SCHEME.

On page 36, I am made to order Col. Haskell to take by assault an earthwork which a division had failed to carry! and Gen. Terry is made to put an end to this "mad scheme."

The paragraph is a tissue of false statements. The enemy did not compel Gen. Terry to relinquish the captured line; it was relinquished because the force under Gen. Hancock had not attacked on the left and we had no motive for holding an advanced position at Fuzzel's Mills. Nor is it true that "about dark, Gen. Wm. Birney came up;" I had been "up" all day, had aided in Terry's attack, had been left by him in command of his and my troops, and had, on orders, withdrawn the force to a better line, the one at which the 8th repulsed the enemy so gallantly the same day. It is false that Gen. Terry put an end to any order of mine. I cannot now prove the circumstances under which the order to Haskell was given; but, in the repeated changes of position by both the rebels and Union forces, it had happened that a battalion could carry at one hour what a division failed to carry an hour before. If Haskell had attacked, he would have succeeded, but our change of plan rendered the assault unnecessary.

But it is tedious to point out all the malicious misstatements about me made on the authority of Col. Shaw's diary and printed for clandestine circulation. And I have no hope of making the Colonel a just man; one cannot take the ding out of a cow bell. Let us take up, in order of time,

### III.

#### COLONEL SHAW'S GREAT BATTLES.

Perhaps the most striking illustration of the peculiar braggadocio of the Colonel is the list of "battles" he had inscribed on the regimental flag (see p. 89.) What a hearty guffaw must have saluted that flag when it first floated to the wind; every soldier of the regiment must have recognised the huge humbug; what a puzzle that list will be to the historian of the war! Falstaff, with his men in buckram, was hardly a priming to the grim mustached hero whose picture adorns the Record. Spite of this formidable list, Shaw was one of the very few men who went through the war without ever being fairly in an action. At Cedar Creek, he ran away twice from an "unseen foe;" at Baldwin, he failed to get up in time; at Kirtland Road, Haskell was in command, (p. 35;) at John's Island, Shaw was "somewhat in the rear," (p. 30;) at Fuzzel's Mills, he was elsewhere, "supporting a battery," (p. 36;) at White Point, he was hidden behind a knoll; at Fort Gilmer, he was "nest hiding" in a swale; at Darbytown Road, he did no fighting, but came near losing two companies, (p. 48;) at Petersburg, he hid in bombproofs and was made the butt of Major Myers fun, on account of his timidity, (the Major making him walk ankle deep in a ditch of black mud, to keep out of reach of imaginary rebel balls;) at Fort Burnham, he was hidden in the bombproofs; and at Appomattox, he did not fire a gun. I will notice some of them in detail:

## I. COL. SHAW RUNS FROM AN "UNSEEN FOE."

*Cedar Creek Reconnaissance.* On page 24, the gallant Colonel gives a glowing account of an advance he made in Florida (he ought to have stated I was absent at this and the next battle) upon the enemy with his regiment, two hundred mounted men and two sections of artillery. He struck the rebel pickets who retreated before him, threw out three companies as skirmishers and set pioneers to repairing the bridge, with a view to a safe retreat. He was evidently going to advance as long as the rebels would run, but while the troops were "preparing for supper," the Colonel got information (how?) that the enemy were in force in his front, "while the cavalry were crossing Cedar Creek beyond our right flank." Thereupon, the Colonel, abandoning his supper, fell back in haste, withdrawing his skirmishers under an artillery fire which made things hot for what he calls "the unseen foe." He "skedaddled" back to Jacksonville, which he reached at eleven at night, "without molestation, but thoroughly tired out," nothing lost except the supper; nobody hurt.

During my four years residence in Florida, I learned that the force of the rebels met by Colonel Shaw was one infantry and one cavalry company, with a six pounder. They had been on picket. That was the Colonel's first battle, fought May 25, 1863. (See list on page 89.) He consoles himself for running away by the thought that if he had fought he might have taken territory he could not hold, and lost men he could not spare. This idea of never taking any territory or risking any men became chronic with the Colonel; he was Fabius exaggerated.

## 2. THE COLONEL SKEDADDLES AGAIN BEFORE AN "UNSEEN FOE."

His second battle was June 1, 1863, and is duly recorded on page 25. Eight regiments and a battery marched ten miles out against Camp Milton, found it abandoned and took possession as conquerors. In advancing, Shaw with his "usual wise caution," had built a bridge over Cedar Creek, and made a rifle pit "to protect the bridge in case of reverse."

Next morning, a few scattering shots which "swelled out in a long irregular volley" awoke the Colonel, who not standing upon order, broke with his whole command for Jacksonville, thinking it best, he says, with unconscious humor, to "preserve our communications with that town." He made splendid time over the six miles back to the rifle-pits at Cedar Creek, part of his command at the "double quick," the rest "as rapidly as possible," beating the other Colonel. From that point, there appears to have been a stampede to Jacksonville. In the Colonel's language, "our numbers were considerably reduced by straggling." He admits they were used up with exhaustion, and says that he issued then the only ration of whiskey ever issued to the regiment. The Colonel should have sent for some of the old bourbon Grant used at Vicksburg, and taken a long pull at it himself. Lincoln recommended it in cases like his. Fortunately for the reputation of the regiment, one man and one horse were wounded by the rebel mounted pickets, who, it appears, followed up the fugitives closely. If Colonel Shaw and a few others had committed suicide, the affair might have been lifted into respectability. It was a second case of "unseen foe."

Major Mayer told me of these "battles" after Fort Gilmer, and used to laugh

until his sides ached at Col. Shaw's precipitate flight, for, although other officers were present, it was Shaw who started the panic. And the rebels used to laugh about it after the war, for they had less than a hundred men in the pursuit; they realized that passage of scripture "one shall chase a thousand," &c. Again, the Colonel took no territory and risked no life. We can't help wondering what he went out for.

### 3. THE COLONEL HIDES BEHIND A KNOLL.

*White Point.* This is another of Colonel Shaw's "battles" inscribed on the regimental banner. There was no battle, except in Col. Shaw's imagination. His "line of battle" is pure fiction, as is most of his account on page 29. As we advanced, a few rebel cavalymen fled before us, firing occasionally and pretending to stand once, evidently to see whether we were in force. They retreated across a very deep creek or arm of the sea, taking up the planks and string pieces of the bridge, and leaving nothing to cross on. The crossing was commanded, at a very short distance, by the guns of a rebel fort on the far side; and at a half mile by the guns of a second fort. It was utterly impossible to cross there. Col. Montgomery and I examined the place carefully, his regiment being at the head of column. Fruitless search was made all along the creek for boats or means of crossing. The creek was an arm of the sea, very deep and too wide to be easily bridged. By taking time, at least a day, our pioneers could have bridged it. I signalled the facts to the commanding General and he ordered me to withdraw the troops, the surprise having failed. When we were expecting to storm the fort, Col. Shaw was ordered to support Col. Montgomery's attack, and pending our reconnoitering, to keep his regiment a little back. When I came to look for him, he was behind a knoll some half a mile to the rear, having retired to that safe point probably for protection "in case of a reverse."

It is true that some unknown scribbler for *The New South* wrote that I had signalled Gen. Foster I could not depend upon my troops to do the work. Perhaps Colonel Shaw knows who he was; I never found out. I contradicted the statement in every way I could and *The New South* corrected it, and afterwards made ample amends by eulogising me greatly for the capture of Baldwin. If Colonel Shaw, instead of hiding himself half a mile off, had come down near the bridge place over the creek, he would have seen the absurdity of his effort to give currency to a story, a mistake probably on the part of the scribbler, but a malicious lie when repeated to my injury, without explanation, fifteen years after. It would have been quite as easy for my troops to charge through the Atlantic upon Liverpool as through that arm of the sea upon the rebel fort. I had entire confidence in the personal bravery of every officer and soldier in my command, except one.

### 4. THE COLONEL FIGHTS BY PROXY.

*John's Island.* In his account of this affair, Col. Shaw's language means that the right wing, which was under his command, lost one killed and eleven wounded. My recollection of the reports to me is that the casualties occurred in Lieut. Col. Haskell's command, Col. Shaw taking the "wise precaution" of keeping with the right wing "somewhat in the rear" as he says, while the



firing was going on and sending Haskell to the front, with the left wing, a trick which he repeated at Fort Gilmer. He describes his own position as "anything but pleasant," which any one knowing his peculiar temperament will not deny.

##### 5. COLONEL SHAW FAILS TO COME TO TIME AT BALDWIN.

The Record's account of the capture of Baldwin is very imperfect. Any stranger to the facts reading it would infer that Colonel Shaw accomplished it and would never suppose that I had anything to do with it, except to send a lieutenant to play the incendiary. Yet, I was there and in command, having returned to Florida after the two "skedaddles" at Cedar Creek. He also omits to mention the preliminary feint on Callahan and destruction of the Fernandina Railroad; the steady driving by our infantry of the enemy's cavalry near Black Creek; the splendid charge of Harris's cavalry upon the rebels; the destruction of the railroad at St. Mary's River; the capture of rebel pickets; the passage of our cannon under the water of swollen creeks while the ammunition was carried by hand over improvised bridges; the energy and ability of Capt. Purington in repairing the railroad between Jacksonville and Baldwin and provisioning the troops; and all the facts reflecting credit upon other officers than Colonel Shaw.

The capture of Baldwin by getting to the rear of it, though not a "battle," as the Colonel represents, was regarded at the time as a substantial success, gained without loss and almost without the firing of a gun. The place was the great cross-roads of Florida, twenty miles west of Jacksonville, had been strongly fortified in front by General Beauregard and was garrisoned by the largest body of rebel troops kept in Florida. Its capture gave us control of all Florida except the Tallahassee country.

But the expedition failed in its principal object, which was *to force the capitulation of the Confederate troops* at Baldwin. The cause of the failure was that Colonel Shaw, being ordered as senior Colonel to bring up the infantry, *disobeyed orders and did not reach Darby Station in the evening of the 25th July.*

We had destroyed the Gainesville railroad at Trail Ridge in the morning, and I had marched the infantry column north to within about five miles of Darby Station, on the Tallahassee railroad, west of Baldwin, when the cavalry, which had been sent the night before to destroy the Tallahassee railroad, some twenty miles farther west, at the St. Mary's river, reported to me that they had succeeded, and in time to prevent the weekly provision train from getting to Baldwin. That place then was isolated, the troops there were out of provisions, and could not escape if I could get to Darby Station that night, and seize the State road some half mile farther north, and leading to the St. Mary's river from Baldwin, *the only available road of escape* for the rebel force.

It was not later than four o'clock p. m. when the report of the cavalry success was made. The Seventh and Eighth were leading and the Seventeenth and Thirty-fifth were a short distance in the rear. (See p. 32.) Desirous of examining the locality about Darby, for the purpose of properly posting the troops on their arrival, I determined to go on myself to that place with the cavalry (about eighty in number) and a few scouts and picked men, leaving Colonel Shaw in

command, with strict orders to push on the infantry and the three pieces of artillery (he says a "battery," but that is not accurate,) without halting, to Darby. If he had done this as ordered, the first two regiments should have reached Darby before eight o'clock, and the other two some half hour later!

I rode at a slow walk, the cavalry being jaded by about thirty hours hard riding: reached Darby between six and seven: examined the surroundings, posted cavalry pickets, and waited for Colonel Shaw to come up. Waited and waited. Eight o'clock came. No Shaw! Nine o'clock. Fearing I knew not what, for he had native Floridian guides and could not miss the road, I sent back a mounted scout to find him. About midnight the scout returned, and reported Colonel Shaw in camp about three miles off and promising to march at day break.

About the same time I heard the rumbling of the artillery train and baggage wagons of the rebels, escaping by the road a little to the north of us. The main object of the expedition had failed. A glorious opportunity for the colored troops had vanished, owing to the poltroonery of a single officer.

To excuse this disgraceful conduct, the Record makes Shaw take *three hours* to reach Darby next morning. No other officer in the command could have put that time upon the distance; and no other officer could have invented half the number of excuses for not reaching Darby the night before. In the hurry of the movement, I had no time to examine these excuses. After Fort Gilmer, I did inquire into them and ascertain their flimsiness.

The reason of Colonel Shaw's dilatoriness was that he as well as the rest of the command expected to fight if we got to Baldwin, and as we had but about two days' rations with us because of the delay south of Black Creek, a little more delay would compel us to retreat to Black Creek to reprovision. I have been told that Shaw had at the time expressed warmly his amazement at my ordering the bridge over Black Creek to be destroyed behind us, which he thought showed "want of wise caution in case of reverse." His idea was clearly that I ought to stampede *via* Black Creek, if I heard any "irregular volley" or "got information" that any of the rebels mounted on the little Florida tackeys were getting on the flank of my troops; and if he had commanded, he would not have left Black Creek without building a fort there and leaving a regiment to protect his flying troops from the "unseen foe." For caution, wise precaution and prudence, see his accounts of the two Cedar Creek marches.

But lest anyone should suspect me of bravado, in the bridge matter, I will add that I destroyed the Black Creek bridge to prevent Dickinson's rebel cavalry, which was on the south side, from getting across to annoy me on the march. I acted strictly within the rules.

#### 6. COLONEL SHAW CAN'T MARCH AGAINST THE REBEL WORKS.

On page 35, Colonel Shaw attempts to excuse his firing into Colonel Osborn's brigade. It is impossible to characterise his account in polite language. He invents my turning down a road with him; he invents the three messengers to me; he invents the order from me; in short he invents everything except "Colonel Shaw's caution." (See page 36.)

The facts were briefly as follows: I commanded two brigades with which I had orders to attack the rebel breastworks which extended straight across our front

about a half a mile off. I put Shaw's brigade on the right and Osborn's on the left. Shaw was to march straight ahead through a narrow strip of woods, and at an hour fixed, assault first; Osborn was also to march straight ahead and assault the breastworks as soon as the firing from Shaw's column should be heard. General Terry was in readiness to attack still further to the left.

As the enemy was stronger to our left and Shaw had nothing before him except a thin line of pickets and a very small force on the works which were little more than rifle-pits, I remained with Osborn. The hour arrived, passed—there was no sound from Shaw. I sent an orderly who reported that Shaw was standing still. With my adjutant, Major Bailey, I rode to where he was and ordered him to attack at once. He moved in the right direction and I rode back to Osborn's brigade and after a few moments advanced it by regiments, throwing skirmishers in advance to find the rebel picket line. Instead, they found Shaw's command headed directly back through the underbrush and woods into our line of battle. In the firing that ensued, there were casualties in both brigades.

Colonel Shaw was the only officer in my command who could, within a quarter of a mile, have diverged from the straight line leading to the rebel rifle-pits, turned almost completely round and marched again into our own lines! None other had such "wise caution."

His miserable fiasco prevented my command from attacking at that point. I was ordered to support Terry's attack which was made in splendid style, his officers not straying off by woods roads.

Major Bailey was with me during the affair and with Osborn's brigade when the firing began. An officer who was there writes me that no such account was given at the time as that now published by Colonel Shaw. I never heard of this complex lie and I knew of it first through the Record. If it was invented by Col. Shaw at that time, he took good care to breathe it only among his camp gossips and not to let the statements come to my ears.

#### 7. COL. SHAW HIDES IN A HOLLOW WHEN ORDERED TO ATTACK, AND LOSES FOUR COMPANIES.

We come now to the Fort Gilmer affair, to explain which away appears to have been the supreme work of Colonel Shaw's life. He has devoted much time and great energy to misrepresenting the facts and getting partial statements from officers who knew only part of the orders given. To the good sense of these gentlemen, I now address a full statement, believing that it will correct some misapprehensions on their part. The two accounts given by Col. Shaw (pages 41 and 44) reveal an imperfect comprehension of the movement, besides being faulty in particulars.

On the night of the 28th September, 1864, the Tenth and Eighteenth Corps, with other troops, moved to the north side of the James river. Early in the morning of the 29th, several works and all the advanced line of rebel rifle pits were taken by assault and the army approached the second and strong line of rebel breastworks, strengthened by forts at short intervals. Of these, Fort Harrison was nearest the river and opposite our left. It was surprised and stormed by a division of the 18th Corps. The Tenth Corps moved towards the same

line between two and three miles farther to the right, then marched to the left and took position to the right of the 18th Corps, and sheltered by a heavy forest. The two brigades under my command were in the edge of the wood nearest the rebel works. Foster's (white) was to the right; the colored brigade, my own, to the left and nearest the 18th Corps. The rest of the Tenth Corps was massed a short distance to the rear of my right brigade. The rebel works were half a mile in front of us, mostly covered from view by the abattis, but plainly visible as a long yellow line over the fields. They consisted (as I knew from a reconnoissance made in the morning, to our right) of an earthwork about eight feet high, dotted, at intervals of about a quarter of a mile, with stronger and broader works bearing batteries of heavy guns *en barbette*, or exposed. The angles of the curtain were such that the battery of each swept the front of the next one on each side, and at a short distance in advance, the front of the second fort on each side. A column attacking Fort Gilmer, when two hundred yards from it was exposed to the batteries from at least four forts; and when at the ditch in front, to the batteries of Fort Gilmer and its two neighbors. A deep and broad ditch extended along the front of the earthwork. Between us and the ditch, the surface was generally quite level making the distance appear much less than it was. Next to Fort Harrison on our left was a corn field, wide enough for the advance of two regiments; to the right of that, was an abattis, thin in places, here and there almost impassable, and gradually growing very thick, the thickest part intersected by a broad irregular path which led from the woods to Fort Gilmer. Two hundred yards farther to the right, the abattis grew thinner, and at three hundred offered no serious impediment to an advance.

As we held Fort Harrison, the first attempt to capture the two forts next it, No. 1 and Fort Gilmer, was made from that point. About eleven a. m., a division of the 18th Corps advanced through Fort Harrison and attacked the rebels in rear of their breastworks. (For account of this, see Gen. Ord's report.) It was repulsed with considerable loss. The attack developed the fact that the rebels had several light batteries and a good number of troops between Fort Harrison and Fort Gilmer; but it was supposed that beyond Fort Gilmer, the breastworks were very poorly manned with infantry and might be stormed by a sudden assault, if the batteries could be silenced. If the rebels resisted the storming party, they could be taken in rear and flank by the 18th Corps, marching from Fort Harrison.

The Records of the Southern Historical Society (see vol 1, page 438) establish the fact that the rebel forces between Fort Gilmer and Fort Harrison, at the time of the attack from the latter fort (11 a. m.) were as follows: Bushrod Johnson's Tennessee Brigade, Texas Brigade, City Battalion of Dept. Troops, Gary's Brigade of Cavalry, Louisiana Guard Artillery, Hardaway's Artillery (16 guns,) Rockbridge Artillery, Third Co. Richmond Howitzers, Powhatan Artillery and Salem Artillery. The same authority says: "Fort Gilmer had five or six heavy cannon." The above troops had repulsed, at 11 o'clock in the forenoon, an attack by a Division from Fort Harrison, a fact known to me at the time. With the aid of a flank attack by the Division in Fort Harrison, these could have been crushed by our troops, and would have been, if they had not been reinforced a few moments before our attack by the rebel divisions of

Gregg and Field, each consisting of three brigades, and about four o'clock, by Hoke's Division. Field's Division consisted of the brigades of Generals Anderson, Bratton and Law. (See Pollard's Lost Cause.) The forces of Gregg and Field manned the breastworks opposite Foster's brigade and repulsed its assault.

Immediately after the repulse, General Ewell telegraphed to Richmond as follows:

"CHAFFIN'S BLUFF, Sept. 29, '64, 3 o'clock p. m.

"GEN'L BRAGG: The attack on Fort Gilmer was repulsed by General Field and General Gregg handsomely. We will take the offensive as soon as troops come up.

R. S. EWELL."

This telegram is now in the War Department at Washington, subject to the inspection of the curious. It makes clear the fact that on the rebel side of the works, at the time of the assault by my two infantry brigades, there were several heavy and several light batteries, about two thousand men in battalions, and eight brigades of regular troops, and that, a little later, there were three brigades more. What better exposure is needed of the wretched ignorance of military matters displayed in the braggadocio at the top of page 46 of the Record? If the rebels had not developed a most unexpected strength, the assault by my right brigade would have been supported by the entire strength of the Tenth Corps, which was held ready for the purpose. As it was, Gen. Grant thought it better to hold what he had taken and let the rebels alone at that point.

Now for the details. We were halted in the edge of the wood as already mentioned. The enemy were firing at short intervals from four forts in our front, sending the balls and shell among us. About one o'clock, I received the order from General Grant, who was near by, through Major Ludlow of his staff, to storm the breastworks in front, silencing the enemy's batteries by sharpshooters, and to make the attack in ten minutes. The curtain to our right of Fort Gilmer and opposite Foster's brigade was indicated as the point where the main assault should be made and where success might be looked for.

I gave orders to Gen. Foster, who was on ground nearly open, to advance in column of regiments, deploying sharpshooters in front so as to cover the two fort batteries to our right of Fort Gilmer, and, as soon as our sharpshooters on the left should open fire on the Fort Gilmer battery, to open fire on the rebel works opposite him, silence the batteries and assault with his regiments. I assured the General that the Fort Gilmer battery should be silenced.

I next gave Colonel Shaw, whose regiment was opposite Fort Gilmer, his orders in detail. I explained to him the absolute necessity of silencing the Fort Gilmer battery, that the success of Foster's assault would depend upon being free from that heavy cannonading upon his flank; that Shaw's four right companies, reinforced, if needed, by the others, could surely silence the battery.

He was to hold his six companies a little in the rear of the skirmish line and attack with them as soon as the battery should be silenced. He was himself to superintend the whole movement, place the skirmishers in position, open the attack upon the battery with them and command the storming party. (Col. Shaw says (p. 41) that I told him "if that work is taken when you reach it, push right on and take the next before Gen. Foster can get there." The "if"

clause shows that I expected Shaw's regiment would be delayed by its work of silencing the battery and that other troops would be ahead of his; it shows also that Col. Shaw was to be there in person.) To make sure there should be no mistake, Major Bailey wrote out, on my dictation, the order in its main features, and handed it to Col. Shaw.

I then told Col. Shaw not to move forward until I got the regiments on the left ready to move and that I would send him word by Major Bailey when they were ready and he should advance his skirmishers—the four companies of sharpshooters—to begin the attack.

Hastening to the other regiments, I ordered the detail from each of four companies to act as sharpshooters in advance for silencing the fire from the rebel works and protecting the assault by the other companies, if one should be ordered, assigned each regiment its position and took my own place between two of them. All being ready for the advance, I sent Major Bailey, as I had promised, to advise Col. Shaw that I was ready with the left and he might now forward his skirmishers and open the attack on the fort.

In a few minutes, the Major returned and reported that he had delivered my message. I then signalled to the left regiment to advance. We had not moved far through the abattis and cornfield when we heard a sharp firing at Fort Gilmer, and, a few minutes later, the rattle of musketry from Foster's brigade, which was evidently making its assault. Then all the cannon on Fort Gilmer opened in the direction of Foster's troops. There was no sound of firing from Shaw's skirmishers. Expecting to hear their firing each minute, I pushed on. We had not advanced more than four hundred yards before two or three of the guns on Fort Gilmer opened on us. The musketry from Foster's brigade had ceased. None was heard from Shaw's front. The tall abattis prevented our seeing or getting to the forces to the right, but it was clear that Foster had been beaten back and Shaw had not attacked and that the Fort Gilmer battery would play upon our flank if we advanced. Halting the left regiment, with orders to lie close, keep down the rebels on their works and not attack until further order, I made my way, rapidly as possible, around the abattis to find out what had become of Col. Shaw. As I went, an aid reported to me the repulse of Foster's brigade, it having suffered terribly from the Fort Gilmer batteries.

At the same time, I received an order from Gen. Grant to make no attack on the left but to keep my troops where they were until further order.

Some two hundred yards from where I had left him, I found the Colonel. He was about fifty yards to the right of the path lying flat on the ground in a hollow, where he was securely sheltered from the fire of the enemy. Five companies of his regiment were lying near him. The hollow was clear, but the abattis in front was impenetrable. There was no egress except by the path where I stood or by picking one's way through the abattis to the rear.

The interview between us can be better imagined than described. It might be called stormy. I was amazed to find Shaw there, near the rear. He came forward confused and silent. I demanded why he was there when I had ordered him to attack. He denied that I had given him such an order. I referred him to the written order. He was silent, "Where are your skirmish companies?" He did not know. "Why haven't they silenced

the battery on the fort in front, as I ordered? I haven't heard them fire at all." It was then he told me he had ordered them to *assault*! I was astounded. In answer to my rapid questions, Shaw admitted he had not looked after them and did not know whether they had assaulted or not; but he said he had sent Capt. Pratt with Co. F to find out and did not know what had become of him!

At this last revelation of folly, I could not contain my hot rage, and, though I cannot now recall the exact words used, they are probably graven upon the memory of the man to whom they were addressed and will be there until his dying day. Here was an officer who, in his cowardice, had changed my plan of attack, had caused the repulse of my right brigade, had sent four companies to be cut to pieces and then a fifth to face breastworks alive with riflemen and blazing with batteries—yet, here he was, skulking in a hollow without helping them or even knowing what had become of them. I probably said all that. Then I ordered Shaw to go forward and find his companies and get them back. He stood pale and trembling, physically unable to move.

It moved my pity to see a man so palsied by fright. Telling him to stay where he was, I darted up the path with the desperate hope of finding the companies which had been abandoned by their Colonel. (If Shaw had had any manhood in him, he would have gone with me; but he went back and lay flat on the ground, as I have been told.) A sharp fire of musketry and grape was drawn upon me by my General's uniform and sash. At short range from the rebel works, I found Capt. Pratt and what was left of Co. F lying close. The Captain had not seen the four companies and could only conjecture what had become of them. Under cover of the fire of Capt. Pratt's men upon the rebels, and giving that officer orders to get his men back, in the best way, I made my way through whistling balls to the hollow where Colonel Shaw lay safe. I upbraided Shaw with having sent his four companies to sure death and weakly exposed a fifth to the enemy's fire, when he should have supported with his whole force, and charged him with disobedience of my orders in not assaulting with his regiment and in sending the four companies to assault. He had denied in our first interview that I had ordered him to assault with his regiment. He now admitted this but said Major Bailey had countermanded that order, and given him one to keep his regiment where it was and send the four companies to assault. I sent immediately for Major Bailey who stated the exact language used by him to Colonel Shaw; it was simply a message to advance his skirmishers against the fort as ordered. A good deal was said, but the result was, Shaw admitted the Major had said nothing whatever about *keeping the regiment where it was*, nothing about the four companies *assaulting the work*, and nothing about countermanding my order to silence the Fort battery; all he claimed *then* was that he had *inferred from* the Major's order to advance the skirmishers that (1) the battery was not to be silenced, (2) that the regiment was not to assault, and (3) that the skirmishers were to storm the fort without being supported!

I immediately directed Major Bailey, the A. Adj. General, to write an official letter to Colonel Shaw reciting the orders given him and fixing upon him the charge of disobedience of orders, the responsibility for the loss of the four companies, and, by necessary implication, of cowardice. That letter was written, recorded upon the Brigade Records, and sent to Colonel Shaw. It now

appears that no officer of the Seventh, so far as heard from, ever saw it; that it was not transcribed upon the Regimental Records; that the Adjutants after that time know nothing of it; that Mr. Califf himself has, up to a recent date, been ignorant of its existence; in short, that it has been SUPPRESSED BY COLONEL SHAW. The Colonel, relying upon its suppression and my reticence, has busied himself for many years, unknown to me, in spreading false versions of the facts.

Those officers who heard part of what Major Bailey said have written to me, stating their recollection. The three versions vary in detail; they agree substantially in this that Major Bailey ordered from me that the four companies should advance and attack. This is quite correct when interpreted by the light of the orders previously given to Col. Shaw. None of these officers claim to have heard Major Bailey countermand my orders to silence the fire from the breastworks, with the four companies, and to assault with the rest of the regiment. None of them appear to have understood that the entire plan of the attack had been explained to Col. Shaw by me and that the visit of Major Bailey had been agreed upon and promised for the purpose of letting Shaw know when the other regiments were ready and when he might advance to attack in the manner agreed on.

Major Bailey sends me the following letter:

General WM. BIRNEY.

MY DEAR GENERAL: I have had brought to my notice a pamphlet recently published purporting to be a record of the Seventh Regiment U. S. Colored Troops, which appears to me to be in reality a labored apology for Colonel Shaw as well as an attack on yourself. I need hardly say that this production has my entire reprobation. The pamphlet in its methods of attack upon you is thoroughly unjust, and its statements of alleged occurrences are not only disingenuous, but in some instances absolutely false.

I find that the author, whoever he may be, has found it necessary to drag me also into print, in effect putting upon me and indirectly upon you the responsibility for the loss of the four companies near Fort Gilmer on the 29th September, 1864. So accurate is the memory of the narrator that he not only gives the exact words used by me on that occasion, but also is able to determine exactly where the emphasis was laid by me. I cannot be wrong in believing that this is the work of Colonel Shaw, and Colonel Shaw alone—no one but himself could pretend to furnish such an account. The part that concerns me reads as follows:

"As the regiment was forming for the charge, behind the crest of a knoll, Captain Bailey, Gen. Birney's Adjutant General, rode up to Col. Shaw with the order to send four companies, deployed as skirmishers, to attack and 'take the work that is firing.' Col. Shaw replied that he had orders to attack and take it with his regiment, to which Capt. Bailey answered: 'Well, *now* the General directs you to send four companies, deployed as skirmishers, to take the work.'"

Now what I have to say is that this statement, so far as it concerns me, is deliberately false. Colonel Shaw had his orders—and to the best of my recollection orders in writing—at any rate he had positive orders from you to assault and to cover his assault by skirmishers. I was sent by you before he had moved to direct him to advance four companies of skirmishers to begin the attack. I did so. That I ever told him to send those four companies to take the heavy line of works in his front is an absurdity on its face. That he could twist or misconstrue the order into one permitting him to send his companies forward and himself to remain behind in safety can admit of but one explanation, which will readily suggest itself to those who were brought in contact with him during the



war. All the other troops made the attack with skirmishers thrown out in front. Shaw was to do the same. Instead of that he sent forward four companies to be sacrificed, while he remained with the rest of his command behind the "crest of a knoll."

You must be perfectly well aware that you, on the field, called Col. Shaw to account for his action, and that he at first attempted to excuse himself by stating that you had given him orders to act as he did, that upon your denial he then shifted his ground by saying that I gave the order, and that I upon the spot contradicted him. You remember also that almost immediately thereafter, I by your direction addressed him a letter detailing circumstantially what orders had been given him, the effect of the letter being to fix upon him the loss of the four companies, and that he never to us at least denied the facts therein stated.

Colonel Shaw in this affair it has always seemed to me was more than generously treated by you. That he should now, after the lapse of fourteen years, put forth such a statement as he has, is, to say the least, ungrateful.

Yours, very truly,

M. BAILEY.

*Washington, D. C., August 21, 1878.*

The letter to Colonel Shaw by Major Bailey, on the 29th of September, stigmatised, in effect, the Colonel as having invented untruths to cover his cowardice. Under the military code of honor, he should have demanded a court of inquiry. He did no such thing. To compel him to this course, I, a few days later, placed Colonel Voris in command of the brigade. This was a public intimation of my want of confidence in him; but he submitted in silence. I did not regard it as my duty to bring charges against him, or to suggest to any one else to do so; but I did expect that some officer of the four companies would, on his return, file charges and have a full investigation. After the 29th of September, I never had the faintest hope of ever getting Colonel Shaw fairly under fire, and I regarded it as my duty to protect the troops, as well as the rules of the service permitted, against the consequences of his natural infirmity.

It will have been seen that, in the plan of my attack the most important duty, silencing the central or Fort Gilmer battery by sharpshooters, was assigned to the Seventh Regiment. Its fire was to be the signal for the attack on the right by the white brigade. The four companies ordered forward by Colonel Shaw went quick-step, and afterwards at double-quick, making their assault without giving time to the troops on the right or left to get to the front. Their assault was isolated and premature. It was over before Foster's brigade could attack. By the time that brigade got to the front, the battery of Fort Gilmer was playing with murderous effect on its left flank, repulsing it before the regiments on our left could get near enough to Fort Gilmer to silence its guns. These regiments, if they had advanced after Foster's repulse, would have been slaughtered by the fire of three batteries, one of them beyond musket range. The plan of attack had been wholly frustrated by the failure of Colonel Shaw to keep down the fire of Fort Gilmer. He is fairly chargeable with all the loss of life resulting from his non-performance of duty. His conduct would have greatly discredited the colored troops, if their reputation had not been redeemed by the splendid bravery of the sacrificed four companies and the steadiness under fire of the regiments on the left, who, by superior orders, were not withdrawn until a late hour.

As usual in the Record, Colonel Shaw cannot tell a story of a few lines,

without falling into inconsistencies. He gives two formal accounts of the Fort Gilmer affair and several informal ones. In the first, (p. 41) he says: "In the meantime, the Ninth had *charged* a work on the *right* and been repulsed."

In the second, (p. 45) he says: "First, the Ninth was sent unsupported to *charge* a work to the *left* of Fort Gilmer, \* \* \* and was repulsed."

The Colonel was too much confused to know on which side of him the Ninth was, right or left. Besides this, there are several distinct falsehoods:

First, "In the meantime," if it is not a loose phrase, without sense, means before the order to Colonel Shaw. This is not true: the Ninth did not move until after that order.

Second, It was not "unsupported;" the other regiments moved at the same time.

Third, It did not "charge" any work, either to the right or left of Fort Gilmer; and it was not sent to charge any.

Fourth, It was not "repulsed." After being held some time on the field under superior orders, it was withdrawn by me.

To bolster up his case, the Colonel invents a similar falsehood about the Eighth. He says, (p. 41:) "And the commanding officer of the Eighth had been ordered to send four companies, deployed as skirmishers, to take the work to the left, but when Major Wagner found how strong it was, he halted his line and remained in advance as skirmishers."

On page 45, the above is contradicted, the author sending four skirmishing companies of the Eighth against the Fort on the left, and having them repulsed as the Ninth had been!

Leaving aside the discrepancy, Colonel Shaw shows his usual recklessness in making statements. Major Wagner was not in command of the four companies; he had no orders to take the Fort with them; he was not repulsed; nor did he halt his line for fear of being repulsed. The Major was the commanding officer of the Eighth. He did his duty precisely as he was ordered, and won his Colonel's straps by his bravery and good qualities under fire. I was in communication with him the whole afternoon.

The officer in command of the skirmishers of the Eighth was Captain Cooper, and after he was wounded, Captain Pratt. The order from me, when I went to see what had become of Colonel Shaw, halted the Eighth as well as the other regiments on the left. Captain Cooper informed Captain Pratt that his orders were *not to charge*. The skirmishers, marching through a corn field, approached the rebel works near enough to keep down the fire from them to a certain extent, and to prevent the loading of cannon on them, and the firing of cannon from them with any certainty of aim. When their ammunition was nearly exhausted, they were relieved on different orders from me, by Major Wagner and some companies of the Seventh. The rebels came out once as if to attack them, but were repulsed. The Eighth was not withdrawn until dark.

In his slanders about the Fort Gilmer matter, the Colonel has two discrepant theories: the first is, that I had ordered him to "charge with his regiment;" (p. 42) but that Major Bailey's mistake prevented him; the

second is, that it was not the Major's mistake at all, but mine. This last, he endeavors to sustain by inventing the charges and repulses of the Eighth and Ninth, under direct orders from me to storm with skirmishers, and under my direct supervision and command. When the gallant Colonel writes his reply to this, he should make up his mind which theory he will invent his facts to support.

He says, Captain Bailey "*rode up to Colonel Shaw with the order.*" This may be from the Colonel's diary, but every officer there knows that Bailey was not there on horse-back and could not have ridden up through the abattis.

The Colonel's pamphlet establishes certain facts damning to him. When he had sent forward the gallant Weiss and his four companies to what he must have known was certain death or capture, he did not even look, or set anybody to look, to see what would become of them. He laid down again in the swale. What are we to think of the moral nature of the man who could thus abandon his intimate friends and the soldiers of his command? What are we to think of him as an officer? He could hurl a band of two hundred brave men against ramparts defended by heavy batteries, and unknown infantry, and then lie down to hide himself in a hollow! Why did he not support them and protect their assault by deploying the rest of his companies as skirmishers, and silencing the rebel fire? He does not pretend that he got any order to forbid that. Surely, he could have prevented his officers and men from being destroyed in the ditch by hand grenades, and from being shot through the head as they clambered up the breastworks. By his own confession, (p. 45) Captain Pratt, with Company F, was not ordered forward until "*after the four companies had disappeared in the ditch of the Fort.*" The fact is, Captain Pratt was not ordered forward in time to see his comrades captured, and neither Colonel Shaw nor the Captain knew what had been their fate.

Captain Pratt is a gallant officer, and saved my life that day. I should like to know what he thinks of Colonel Shaw's conduct in sending out Company F by itself on the front line.

Colonel Shaw might have taken forward all six companies instead of sending Company F. The six might have done something; the one was powerless. But the agony and death of two hundred brave men could not force that pale poltroon to risk his precious person under fire. He kept five companies with him, because it would have looked badly for a Colonel to hide in the swale by himself! He was the only Colonel who, that day, hid himself or any part of his command, in a hollow near the rear.

The most touching passages in the narratives by the officers are those which allude to their feelings when they found themselves in the ditch and without signs of reinforcements. Let them now do their comrades of the army the justice to remember that, outside of Colonel Shaw and the Seventh Regiment, no one knew of their fearful strait. Their struggle was not visible from the left, or rear, or right, through the high abattis. No one but Colonel Shaw was aware they had been so ruthlessly sent to

die. For my part, I did not know their loss until I joined Company F on the front line and found no trace of the missing companies.

The keenest anguish of my life was the cowardly loss by Colonel Shaw of Weiss's command, on the 29th of September, 1864.

The next thing in order is the serious wound Colonel Shaw received next day, in what he calls a "charge" by the rebels.

#### 8. THE COLONEL GETS HIS HAT RIM WOUNDED.

The day after the Fort Gilmer affair, we were lying behind the breastworks near Fort Harrison, when Colonel Shaw's hat rim was cut by a bullet.

On page 46, we find: "*While this charge*, [by the rebel Generals Hope and Field] *was being made*, Colonel Shaw was struck on the head by a rifle bullet but was uninjured."

On page 92, the wound figures as follows in the Colonel's military history: "Contusion on head from rifle ball *in action*, September 30, 1864."

Which was it: "uninjured" or "contused?"

The Colonel's account grows rapidly as he warms up, but it is inaccurate. It was not his regiment but the brigade which went into the rifle pits; the charge was not made on us but on a fort in our vicinity; nor were we "in action." We were there ready to go into action if needed, and were lying behind breastworks. There was some firing upon us, doing a little execution. As the bullets whistled over their heads some of the men pushed up their hats in sport to get holes in them. In the evening and next day, Colonel Shaw exhibited his felt hat with a bullet hole through the rim, not claiming to have been either hit or contused, but evidently quite proud of the hole. This was natural, as he had been the day before arraigned, in an official letter from the Adjutant, for cowardice. My first idea, on hearing of it was that Col. Shaw, in desperation because of the charge against him, had, for the first time, exposed his person. On inquiry, however, I learned that he had set an excellent example of "keeping down." The wound in his hat was the subject of no little badinage at his expense.

#### 9. COLONEL SHAW ABANDONS TWO MORE COMPANIES.

On page 48, an account is given of the movement to the Darbytown road and of the narrow escape of two companies of the Seventh from capture. The facts are so ingeniously slurred over that it does not appear through what "misunderstanding" it was the exposed companies failed to get the order to fall back, nor who sent the other troops to their rescue. The Colonel had also conveniently sent me away on leave of absence, from which, he states, I returned next day. Now, the truth is, I was there in command and about 5 P. M. (not *three*, as he says) gave Colonel Shaw the order to get out his companies from their posts near the rebel works. He did get out four of them but left the two who were nearest the enemy. As he was marching past me at a fence gap, where I had taken my station with my staff, to see that all the troops were withdrawn, I noticed that the Colonel had but four companies and halted him to ask where the other two were. His answer showing he had not gone to them at all, I at once faced the brigade about and went back at the double-quick to their relief, arriving fortunately in time. There was no

"misunderstanding," except the usual one by Colonel Shaw when the execution of an order required him to get within musket range of the rebels. If he had lost the two companies, he would doubtless have found out for his "Record" and proved by his diary, that I was there and had caused the loss by recklessly exposing the companies.

And now for his hiding in the bomb-proof of Fort Burnham!

#### IV.

##### CONCLUSION.

But why should I prolong this review of the "Record?" Enough has been said to expose its falsity by suppression, misrepresentation and invention, its maliciousness, disingenuousness and jealous vanity. It is the production of an extremely cautious man who has attempted to shelter himself from responsibility under the vote of a re-union of officers, the ostensible authorship of a weak young lieutenant, the use of the name of a respectable firm as publishers and a studious concealment of the publication from the man whose fair fame was to be blackened that his own might shine. It is the production of a weak man who could not see how thin all his devices for concealment were; and of a vain man who supposed that every officer who listened to his whispering gossip without giving him the lie direct, would see it printed in a book without giving me the opportunity to correct it.

I now submit the matter to the considerate judgment of the officers with whom I served, begging them to remember that during the war I treated Colonel Shaw with uniform kindness; that I bore with the manifold inconveniences of his infirmity with great patience; that I was as reticent on that subject as was possibly consistent with duty; that it is to my personal kindness and forbearance he owes his immunity from disgrace; and that both during and since the war, up to some two years ago, he has not only concealed the hatred he felt towards me because I rebuked his cowardice, but has professed an unusual warmth of friendship for me. I never regarded his natural timidity as a crime, but a misfortune. I have rejoiced in his appointment as Port Collector at Providence, and in his improved standing and prosperity. His secret, wanton and wholly unprovoked attack upon me has obliged me to defend myself. It has been no pleasure to me to show that Colonel Shaw should not aspire, even at this late date, to "roar like a lion" and to give him the advice Quince gave to Billy Bottom, the weaver.

"You can play no part but Pyramus; for Pyramus is a sweet-faced man, a proper man, as one shall see in a summer's day, a most lovely, gentlemanlike man."

Let Colonel Shaw confine himself to his role of "Christian gentleman" at Providence, and cease his clandestine efforts to apotheosise himself, at the expense of truer men, into a scarred warrior chief, the demi-god of many battles.

WILLIAM BIRNEY,  
*Late Brevet Major General,*  
*U. S. Volunteers.*

## APPENDIX.

EXTRACTS FROM RECENT LETTERS BY OFFICERS TO GENERAL  
BIRNEY.

1.

"The Record of the Seventh Regiment appears, after a hasty glance, as a mass of stuff compiled to elevate Col. Shaw to a position he never earned by service in the field before the enemy. I consider it a sham, like its author."

2.

"I am surprised at Shaw's course."

3.

"The resin at Darby's was burned while the troops were in the immediate vicinity and the fire was accidental."

4.

"You went back to Florida because Jacksonville was in danger and to adopt measures for its defense."

5.

"It rather rejoices me to see that you are stirred up. I was a little afraid you would think him too small fry; but I don't see how you can help noticing anything so venomous."

6.

"The strictures in the Record upon your conduct are pretty severe, and, even if justified in any case I think it should not have had a place in such a work."

7.

"I am impatient to see your answer. When and how is it to appear?"

8.

"I embrace this welcome opportunity to protest against any inference that may be drawn from the "Seventh Regiment History" as to my sympathy with the attacks on you. The respect with which you inspired me remains unshaken." \* \* \* In my humble opinion, Colonel Shaw's strictures are best answered by the book itself, which (the shade of Milton forgive me!) "like a devilish engine, back recoils upon itself."

9.

"The work, as an apotheosis of Colonel Shaw, is not exactly a success."

An ex-captain in the regiment writes that he had heard officers speak of my not giving written orders to recruiting officers, and adds: "Of the other reflections on yourself, I heard for the first time in the book."

The same officer says of the account given by Colonel Shaw of the firing into Osborn's brigade: "At the time, I heard no such explanation of the accident."

10.

"I am sorry, dear General, that I can only give you such a meagre stock of facts, but think that they form a strong presumption that the flings at you are afterthoughts." \* \* \*

I am thankful to you for having furnished me opportunities to perform arduous and difficult tasks to my own satisfaction. They are my pleasantest remembrances of the war."

11.

What is Shaw's business now? In '69 and '70 he called on me: he was then selling a patent gas burner." \* \* \*

"I commenced reading the book anticipating quite a treat in reminiscences of war times, but I had read about five minutes, when the animus of the whole thing flashed across my mind, and I became critical, then indignant, then MAD."

12.

"I had command of one "of the four companies lost" on the 29th of September; heard your order to Colonel Shaw and his order to Captain Weiss, and know just the value of Colonel Shaw as a fighting man.

I would be glad to see his book, for I think he had no good will for me and no occasion to have, for I did not refrain from commenting on his repeated acts of incompetency and cowardice.

James Shaw, Jr., was a military fraud, and if anything I can do will show him in his true colors, you can command my services."

13.

From an officer who contributed to the Record: "I was not aware that any fault was to be found with General Birney, and had I known anything of the kind was contemplated, would most assuredly have protested against it as unkind, unchristian, impolitic, useless, and tending to produce aggravation without any adequate recompense, unless a gratified revenge be considered as such."

14.

"I am sorry that the Record should have produced any unpleasant feelings."

15.

From one of the heroes of Fort Gilmer to a friend: "The most eminent characteristic of the Record is its exceeding bad taste; for what else can we think of a work published by subscription which is made the vehicle of venting petty spite against a man whom most of the subscribers respect as a cultivated gentleman and officer, who reflected honor on his position? An impartial critic, after perusing the work, would certainly conclude that the vilifying of General Birney was the primary object, with the record of the services of the regiment as an incidental concomitant. As a friend of General Shaw's, I was greatly amazed that he should make such an egregious ass of himself." \* \* \* \* "General Birney feels pretty sore, but I hope he will not make too severe a reply." \* \* "Use your influence with General Birney, in the interest of magnanimity."

[The brave are always magnanimous. For many long years, I have never breathed a word to Colonel Shaw's discredit. Since his libel, I have given him abundant opportunity to suppress it, and several invitations to do so. He not only refuses, but assumes a defiant tone as to the facts. What can I do, except to make the one answer which every officer in the regiment knows to be true?]

W. B.

16.

"About the only things in the book which attracted my favorable notice, were the obituary notices, and as I revived the old love existing between Weld and myself, \* \* \* I am not ashamed to confess that it was impossible to keep back the tears. God ever bless his memory!"

17.

From a Colonel:

"Your services in bringing out the colored soldier and making him a fact and a success are far greater than those of any who may chose to criticise you."

18.

From a Colonel and Brevet Brigadier:

"When you first came to Florida, I was struck with the vigor and